

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

KINGMAN HOLDINGS, LLC	§	
	§	
	§	
V.	§	CASE NO. 4:10-CV-698
	§	Judge Schneider/Judge Mazzant
BAC HOME LOANS SERVICING, LP	§	
and MORTGAGE ELECTRONIC	§	
REGISTRATION SYSTEMS, INC.	§	

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On April 21, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that BAC Home Loans Servicing, LP and Mortgage Electronic Registration Systems, Inc.'s Motion to Dismiss for Failure to State a Claim (Dkt. #10) should be granted in part and denied in part.

The Court, having made a *de novo* review of the objections raised by Defendant Mortgage Electronic Registration Systems, Inc., is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that BAC Home Loans Servicing, LP and Mortgage Electronic Registration Systems, Inc.'s Motion to Dismiss for Failure to State a Claim (Dkt. #10) is GRANTED

in part and Plaintiff's quiet title and equity of redemption claims are DISMISSED with prejudice. Plaintiff's claim for violation of the Civil Practices and Remedies Code § 12.002 shall remain at this time.

**It is SO ORDERED.**

**SIGNED this 17th day of May, 2011.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE